



Angola

Country Reports on Human Rights Practices - [2002](#)

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The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975, and the country has experienced several periods of civil war since then. The present Government was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation.

The most recent period of civil war began in 1998 and continued until February when UNITA leader Jonas Savimbi was killed in an Armed Forces of Angola (FAA) attack in Moxico Province. On April 4, the Government and UNITA signed the Luena agreement, which called for disarming and disbanding all UNITA military forces by the end of July and the implementation of the remaining provisions of the 1994 Lusaka Protocol under U.N. supervision. On August 2, UNITA's military force officially was disbanded and all ex-UNITA personnel were incorporated into the FAA. The National Assembly served as a rubber stamp for the Council of Ministers, and while opposition deputies held about 43 percent of National Assembly seats, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. The judiciary was subject to executive influence, functioned only in parts of the country, and did not ensure due process.

The Ministry of Interior was responsible for internal security, a function that it traditionally exercised through the Angolan National Police (ANP) and other organs of state security; however, as part of a July organizational reshuffling, the internal intelligence service became directly answerable to the Office of the Presidency. The FAA were responsible for protecting the country against external threats and has intervened in a number of regional conflicts in recent years. The FAA continued counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC), which increased in intensity with the launching of a major offensive in October. The Government's security forces remained under civilian leadership; unlike in the previous year, there were no reports that security forces acted independently of the Government. Security forces committed serious human rights abuses.

Government policy continued to inhibit economic reform. At least 20 percent of the national budget or 11 percent of gross domestic product (GDP) was dedicated to defense during the year, while an estimated 50 percent of state expenditures were not reflected in the official budget. The economy continued to perform poorly, and despite abundant natural resources, output per capita remained extremely low. In October the Government announced the creation of a customs warehouse system that established a fixed import regime for basic food items, slowing the trend toward import and regulatory liberalization. The population is estimated at 13 million, and annual per capita GDP was approximately \$600. The country's wealth continued to be concentrated in the hands of a small elite who often used government positions for massive personal enrichment, and corruption continued to be a common practice at all levels. The average monthly salary of urban wage earners (approximately 20 percent of the labor force) was far below what is required for basic subsistence. Rural wages were even lower as the majority of the rural economy was dependent on subsistence agriculture, which was affected seriously by the civil unrest. In May the already large-scale international humanitarian feeding operation was expanded further to prevent widespread rural famine caused mainly by the forced displacement of rural populations during the Government's aggressive counterinsurgency offensive during the last months of the war against UNITA and greatly expanded access to former UNITA areas after the April ceasefire.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens have no effective means to change their government. Members of the security forces committed extrajudicial killings, were responsible for disappearances, and tortured, beat, raped and otherwise abused persons. The FAA employed scorched earth tactics and forced movements of rural populations as part of its counterinsurgency operations against UNITA and FLEC. After the April 4 Luena agreement ended the conflict between the

Government and UNITA, the army ceased to be the major human rights offender outside of Cabinda province, and the poor discipline of the police force made it the worst offender. The Government often did not prosecute or punish those in the security services responsible for abuses. Prison conditions were harsh and life threatening. The Government routinely used arbitrary arrest and detention, and lengthy pretrial detention was a problem. Where it did function, the judiciary was subject to the influence of the President, the ruling MPLA party, or anyone able to offer bribes in exchange for favorable rulings. The Government infringed on citizens' privacy rights and forcibly recruited military-age males. The Government at times restricted freedom of speech and of the press, and intimidated journalists into practicing self-censorship. During the year, the Government passed the Law on State Secrecy that gave the executive branch even greater control over public information and imposed criminal penalties on individuals who publicize information that the Government considered damaging. The Government restricted the freedoms of assembly, association, and movement; however, it allowed peaceful public protest and opposition party meetings. Unlike in the previous year, the Government did not restrict the freedom of movement of journalists. The Government continued to limit independent investigations of human rights abuses, although it permitted international human rights organizations to conduct research in partnership with local civil society groups in the country. The number of persons internally displaced by the conflict increased, largely as a result of forcible resettlements. Violence and discrimination against women were common; adult and child prostitution were prevalent; and children and persons with disabilities continued to suffer as a result of the civil conflict and poor economic conditions. The Government continued to dominate the labor movement and restricted workers' rights. Forced labor, including forced child labor, was a problem in UNITA areas until the end of the war. There were reports of trafficking in persons.

The armed UNITA forces, under the control of Jonas Savimbi, were responsible for killings, disappearances, torture, rape, and other abuses until the effective cessation of hostilities in February; the two Luanda-based factions of UNITA were not responsible for abuses. UNITA prevented freedom of speech, the press, assembly, association, and movement in areas it held until April. UNITA continued forced military recruitment, including of underage males, and used forced labor for a large part of its local-level logistical support until the end of the war. The sexual abuse of women conscripted to work as porters was common.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Prior to the conclusion of the April ceasefire between the Government and UNITA, the FAA, the National Police, and UNITA troops reportedly committed human rights violations and participated in extrajudicial killings. Verification of reports of abuses committed by both the Government and UNITA was extremely difficult. After the April ceasefire, reports of killings and human rights violations by the FAA ceased, except in the diamond-mining areas and Cabinda. Police participated in extortion, robbery, and carjackings and were cited as the primary human rights abusers by local human rights organizations by year's end (see Section 1.c.). It is believed widely that police resorted regularly to extrajudicial killings, especially of known criminal gang members, as an alternative to the country's ineffective judicial system. Other than those personnel assigned to elite units, the Government gave tacit permission for security personnel to supplement their income through the extortion of the civilian population. For example, independent media sources accused police in Lunda Norte of terrorizing and extorting money from citizens in the municipality of Nzagi during the year. Police commanders were accused of permitting such activity and killing market vendors who complained about the abuses. Impunity remained a serious problem.

In November 17 persons were robbed and killed in Malange. There were allegations of police involvement, and an investigation was ongoing at year's end.

There were no developments in the June 2001 police killing of two residents of Boa Vista (see Section 1.f.).

Prison conditions were life threatening due to inadequate food, medicine, and sanitation, and many prisoners died in official custody (see Section 1.c.).

Unlike in the previous year, there were no reports of localities changing hands before the war ended that resulted in the extrajudicial killing of government administrators or persons accused of collaboration with UNITA.

The army engaged in a scorched earth policy during the closing stages of the war, burning villages and killing civilians (see Sections 1.f., 1.g., and 2.d.). The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties prior to the end of the war. After the April ceasefire, there

were no reports that soldiers summarily executed civilians suspected of supporting UNITA.

As the Government intensified its counterinsurgency campaign up until the death in combat of Jonas Savimbi, large numbers of persons were uprooted by the Government's scorched earth policy, which destroyed thousands of acres and resulted in extrajudicial killings. Internally displaced persons (IDPs) and refugees fled the fighting and triggered a large-scale humanitarian crisis as rural food stocks were destroyed and subsistence agriculture was hampered severely in many areas. According to official estimates, up to four million persons were displaced due to war and resulting famine. Access by nongovernmental organization (NGO) and other aid workers to previously denied areas revealed many pockets of extreme deprivation, which significantly increased the need for humanitarian relief.

Undocumented workers in the diamond fields, including ex-UNITA soldiers and Congolese workers, were targeted in government efforts to retain control of alluvial diamond mining operations. In September in the government-owned newspaper *Jornal de Angola*, a FAA general threatened action against ex-UNITA forces that left quartering areas and reportedly were engaged in illegal mining in Lunda Sul. Subsequently local NGOs reported that government forces attacked and killed undocumented diamond miners in Uige.

Unconfirmed but credible reports suggested that both sides summarily executed prisoners of war (POWs) until the end of the war. In Cabinda province, reports of civilians killed in fighting were increasing at year's end (see Section 1.g.). In December the Ad-Hoc Commission for Human Rights in Cabinda released its first report that contained a detailed list of nine alleged arbitrary killings by government forces. The Government had not responded to the report by year's end.

Unlike in the previous year, there were no reports that government soldiers killed civilians in Namibia or that individual members of the FAA summarily executed citizens of the Democratic Republic of the Congo (DRC).

No action was taken, nor was any likely to be taken, into the alleged November 2001 killing of seven Zambian civilians by government forces.

Since the April ceasefire provided for the amnesty of FAA and UNITA forces, there was unlikely to be any further investigation or action taken against the FAA member responsible for the killing of Thaddeus Vili at Bagani or against those responsible for the 2000 killing of more than 100 persons in Bie province and the discovery of a mass grave.

No action was taken, nor was any likely to be taken, into the following reported killings by FAA members in 2000: The July execution of two Namibian civilians, and the January killing of Thadeus Mubili in Mushangara in western Caprivi.

Both government and UNITA forces continued to use antipersonnel landmines in the country and in Namibia until the end of the war, which resulted in dozens of deaths and numerous injuries during the year (see Section 1.g.).

UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed or abducted traditional leaders, and eliminated all opposition, real or potential until the end of the war. UNITA troops also committed extrajudicial killings during attacks on villages. Interviews with many refugees indicated that UNITA committed abuses, including public extrajudicial killings, as a deliberate policy. UNITA killed numerous civilians during attacks on civilian traffic in the interior of the country. Such attacks were designed to halt transportation, disrupt commerce, isolate populations, and maintain a climate of insecurity. UNITA abducted numerous persons during the year; many, including children, died or were killed while in captivity (see Section 1.b.). There were reports that UNITA used forced conscription until the end of the war and killed persons who attempted to desert (see Sections 1.b. and 1.f.). Unlike in the previous year, there were no reports that UNITA forces killed Namibian citizens. Following the April 4 ceasefire, the movement of UNITA forces to the quartering areas, and the August 2 abolition of UNITA's military forces, killings attributed to UNITA ceased.

NGO workers were killed during UNITA attacks. It was unknown in most cases whether they were targeted because of their work.

UNITA never accounted for the deaths of numerous senior party officials. A number of high-ranking UNITA officials who had defected revealed the extent of killings in UNITA-held areas. UNITA did not allow the U.N. to investigate claims of human rights abuses in the limited areas (less than 5 percent of the country's territory) that it controlled until April. With the demobilization of UNITA, investigators were able to enter areas formally under UNITA control.

There were no reports of any action taken, nor was any likely, against the UNITA rebels responsible for the following killings in 2000: The January killing of 2 civilians outside of Rundu; the February killing of 3 civilians in Shinyungwe village; the February attack on Santa Clara in Cunene Province in which at least 26 civilians were killed; the March stoning and crucifixion of 6 children for allegedly giving information to the Government; the May attack on a hospital in Camacupa; the June unconfirmed discovery of 17 mass graves in Bie Province, each containing more than 100 bodies; the July attack on a residential school and training center in Huambo Province in which one boy was killed; the July attack on an orphanage in Huambo Province in which a teenager was killed; and the August killing of four civilians during an attack on the town of Catete.

There were no developments in the November 2001 case in which armed persons killed five civilians and abducted two children outside Luanda.

FLEC-FAC forces also reportedly tortured and killed civilians in Cabinda. According to the Ad-Hoc Commission on Human Rights in Cabinda, in August FLEC guerillas decapitated a woman accused of collaborating with the Government.

There were no developments in the April 2000 case in which FLEC-FAC killed a foreign national during an ambush north of Dingo.

b. Disappearance

Persons taken into police custody disappeared without a trace, particularly in rural areas. In March three teenagers were handed over to police officials after an altercation in the municipality of Cazenga outside of Luanda. Family members discovered their bodies 4 days later. Investigation of the case was ongoing at the year's end. Suspects accused of illegal weapons ownership or collaboration with UNITA or FLEC-FAC disappeared. The Ad-Hoc Commission on Human Rights in Cabinda reported several disappearances of persons detained by Government forces during the year for alleged ties to FLEC insurgents (see Section 1.g.).

There were no new developments in the 2001 disappearance of civilians abducted from Zambian territory. Unlike in the previous year, there were no reports that government forces or UNITA rebels abducted persons from Zambia; however, in December government forces detained eight Zambians who crossed the border into the country. A detained woman was released quickly; however, there was no further information on the whereabouts of the seven detained men at year's end.

On September 2, unidentified armed men abducted a traditional chief in Huambo Province. It was the first incident involving the kidnaping of a traditional leader since the signing of the April 4 Luena Accord. There were no developments in the case at year's end.

Prior to the April 4 ceasefire, civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. The frequent discovery of bodies in the aftermath of attacks suggested that suspected collaborators were executed summarily. Those who escaped UNITA custody and were able to return to government-held areas reported that they were subjected to torture, beatings, and sexual abuse (see Section 1.c.). Some of the women kidnaped by UNITA soldiers did not know their origins or families because they were abducted at a very young age. Several eventually were forced into marriage. There were no reports that UNITA abducted persons after the April ceasefire.

There were no developments in the February 2001 case in which suspected UNITA rebels kidnaped a traditional chief in Huambo or the April 2001 kidnaping of 50 persons in Benguela Province.

There were no developments in the cases from 2000 in which UNITA rebels kidnaped persons: The January abduction of 2 teenage girls from a village near the border by 6 armed men suspected to be UNITA rebels; the July kidnaping of 21 children in Huambo Province; and the July kidnaping of 100 children from Quela.

In previous years, the FLEC-FAC separatist group kidnaped civilians and foreign national employees of companies operating in Cabinda. In August FLEC-FAC announced that it no longer would perpetrate kidnaping. Unlike in previous years, there were no reports that the Front for the Liberation of the Enclave of Cabinda-Renewed (FLEC-Renovada) abducted persons.

C. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Penal Code explicitly prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. Local and international human rights organizations reported that there was widespread government abuse of suspects.

Security service personnel frequently employed torture and other forms of cruel and degrading treatment, including rape. Until the April ceasefire, those suspected of ties to UNITA regularly were detained under inhuman conditions and were subjected to primitive and brutal forms of interrogation. Police frequently used torture and coerced confessions during investigations and rarely, if ever, were punished for such abuses. Nonpolitical criminal suspects also were subjected to abuse, although to a lesser extent. Police often beat and released suspects in lieu of trials (see Section 1.d.). For example, in August police detained and tortured two young men for illegal possession of a firearm in the municipality of Kilamba Kiaxi, according to independent media reports.

After the April ceasefire, there were few reports of human rights abuses by the FAA, with the exception of operations in Cabinda and against illegal diamond miners (see Sections 1.a. and 1.b.). From April until the end of the year, the National Police and prison officials were the principal human rights abusers. Reports of police abuses collected by local human rights organizations detailed specific violations and generalized behavior during the year.

Police frequently participated in acts of intimidation, robbery, carjacking, and killing (see Section 1.a.). For example, in June the local human rights organization Maos Livres reported that police raided the Sumbe market in Kwanza Sul and beat bystanders. Police also reportedly stole and destroyed vendors' merchandise.

Police also extorted money from travelers and harassed refugees at checkpoints (see Section 2.d.). Police officers and soldiers reportedly harassed IDPs and denied them humanitarian supplies (see Section 2.d.). Police injured persons while forcibly dispersing demonstrations on at least one occasion (see Section 2.b.). Impunity was a serious problem.

There continued to be reports that government forces raped women (see Sections 2.d. and 5).

Unlike in the previous year, there were no reports that government forces harassed NGO workers.

No action reportedly was taken in the following 2001 cases: The reported January beating and torture of several Namibians in Caprivi by a group of men in FAA uniforms; against the FAA soldiers who reportedly raped a woman in Zambia; the reported raping and looting while stationed in the DRC by some individual members of the FAA; the June injuring by police of an undetermined number of Boa Vista residents who were protesting their eviction and relocation.

No action reportedly was taken, nor was any likely to be taken, in the following 2000 cases: The February beating by police of protesters during demonstrations, and the alleged July execution of two Namibian civilians and the injury of another by members of the FAA.

Landmines laid by both sides during the conflict resulted in a continued high number of fatalities and injuries (see Sections 1.a. and 1.g.).

The U.N. and human rights organizations reported that abuse of suspects was common in areas that remained under UNITA control until April. Interviews with persons who fled UNITA-held areas revealed that UNITA used cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. Torture was used at all levels by UNITA forces during the war. There were repeated credible allegations that, prior to his death, UNITA leader Jonas Savimbi ordered suspects tortured and executed in his presence. There were reports that until the ceasefire UNITA engaged in reprisal attacks on civilians.

Unlike in the previous year, there were no reports that UNITA forces abused Namibian citizens in border areas.

No action was taken against UNITA members who attacked a commercial convoy in May 2001 or tortured and mutilated a truck owner in June 2001.

No action was taken against the approximately 100 members of UNITA who attacked a residential school and training center in Huambo Province in July 2000; the UNITA troops kidnaped 21 children and injured at least 4 others.

There were government press reports that UNITA members harassed National Union for the Total Independence

of Angola-Renewed (UNITA-Renovada) members in Lunda Sul, Benguela, and Luanda.

FLEC-FAC forces tortured and killed civilians in the Cabinda region.

Prison conditions were harsh and life threatening. Cells were overcrowded and lack basic sanitary facilities. The prison system held approximately five times the number of prisoners that it was built to hold. Warehouses in Bengo, Malange, and Lunda Norte provinces were used as prison facilities during the year. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports from local NGOs that prisoners died of malnutrition and disease. For example, at the Viana Prison, malnutrition and disease were pervasive problems. Local human rights organizations reported that conditions were considerably worse outside the Luanda prison system. Many rural prisons, such as Chitato in Lunda Norte, were cited by local human rights organizations for not having toilets, beds, mattresses, water, or medicines. One prisoner reportedly died of malnutrition in Dundo Prison during the year.

Prison officials routinely beat detainees. During the year, local human rights organizations reported that an inmate in Bengo Prison was held inside a water tank for 2 days without food or water as punishment for making an escape attempt. There also were independent media reports of a prison director in Huambo using prisoners as laborers in his house.

Prisoners depended on families, friends, or international relief organizations for basic support, including food. Prison officials, who chronically were unpaid, supported themselves by stealing from their prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes that they were entitled to receive.

Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates. Female prisoners were held separately from male prisoners; however, there were reports that prison guards sexually abused female prisoners. Detained individuals awaiting trial frequently were housed directly with sentenced inmates, and prisoners serving short-term sentences often were held with inmates serving long-term and life sentences for violent crimes.

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year. Local human rights monitors were permitted to visit some individual prisoners; however, in July deputies from the National Assembly Committee on Human Rights attempted to visit prisons in Malange and Lunda Sul provinces to verify conditions but were blocked from entering the institutions by prison officials.

d. Arbitrary Arrest, Detention, or Exile

Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also could be signed by members of the judicial police and confirmed within 5 days by a magistrate; however, arbitrary arrest and detention were serious ongoing problems, and security forces used arbitrary arrest and detention during the year (see Section 1.c.). Persons were denied due process. With the end of active FAA counterinsurgency operations against UNITA in April, the National Police became the primary source of abuses during the year; however, from September to December reports of arbitrary detentions increased markedly in Cabinda with the launching of a large Government offensive against FLEC guerrillas (see Section 1.g.).

The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members; however, such rights frequently were ignored in practice. There was a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice was nominally in charge of the prison system, the Ministry of the Interior continued to arrest and detain persons systematically, arbitrarily, and secretly for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the criminal law, a person may not be held for more than 135 days without trial. The National Security Law provides for a maximum of 180 days of preventive detention; however, in practice, laws regarding preventive detention frequently were ignored. Preventive detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence.

An insufficient number of judges and poor communications between various authorities led to prolonged detention.

More than 60 percent of inmates were awaiting trial. Inmates who had been awaiting trial for 2 or 3 years were common. In one case, an inmate detained in Uige province was transported to Luanda and held for 2 years waiting to be returned to Uige to stand trial. Local human rights groups cited at least seven cases of inmates who had been detained between 2 and 5 years still awaiting hearings at year's end. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case (see Section 1.e.). Local human rights organizations, such as Maos Livres and Association for Justice, Peace, and Democracy were successful in securing the release of some detainees during the year.

Unlike in the previous year, there were no reports that the Government detained opposition supporters.

Police arrested persons holding demonstrations (see Section 2.b.).

Unlike in the previous year, there were no reports that local police detained UNITA-Renovada supporters.

There were reports that UNITA kidnaped and detained persons primarily from rural areas against their will until the end of the war. The number of such affected persons was unknown.

Unlike in previous years, the Government did not hold political detainees. As part of the April ceasefire, 84,000 UNITA troops were quartered in 35 gathering areas. In August FAA and UNITA military commanders selected 5,007 UNITA troops for integration into active-duty FAA units. On October 20, the remaining ex-UNITA forces began returning to their areas of origin in a government-organized resettlement program (see Section 1.g.). Unlike in previous years, there were no reports of POWs being held by either the Government or UNITA.

The Government did not use forced exile as a form of punishment. Some UNITA members previously claimed that they went into self-imposed exile because the Government threatened their lives. Several prominent UNITA members returned to the country following the Luena Accord and the transition of UNITA to solely a political party.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary, where it functioned, was not independent of the President and the MPLA, and political pressure from the presidency affected the outcome of cases. In practice the court system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. During the first half of the year, the Government rebuilt courts in Cabinda, Benguela, and Kwanza Sul; however, where provincial courts existed there was often only one judge to cover all cases, civil and criminal, in the province. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. A Constitutional Court provided for in the 1991 Constitution had not been established by year's end; the Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established. There were long delays for trials at the Supreme Court level. Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. The criminal courts, in particular, have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure remained outdated, although some steps toward modernization had begun.

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, a system of bail, and recognized the accused's right to counsel; however, the Government did not always respect these rights in practice. Trials are open to the public; however, each court had the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges were usually not licensed lawyers. The judge and two lay persons elected by the full court act as the jury.

During the year, human rights training was provided to lawyers with support from the Human Rights Division of the U.N. Mission in Angola (UNMA). The lawyers were trained to work in municipal police stations and intervene to protect the rights of individuals in police custody.

Government corruption was pervasive, and accountability was limited. The Tribunal de Contas (Anticorruption Tribunal) was created in April 2001. The Tribunal was headed by a judge who also was a deputy in the National Assembly. It had a generous budget and reportedly is autonomous, with powers to investigate and prosecute corruption at all levels. While it had not tried any cases yet, the Tribunal claimed to be investigating senior members of the Government, including governors and ministers.

Unlike in the previous year, no one was released under the Amnesty Law; however, a general amnesty for all acts committed by government and UNITA soldiers during the war was included in the April ceasefire.

In the past, UNITA established a nominal military and civilian court system in territories under its control and claimed that its Civil Code was equivalent to the Portuguese Civil Code used by the Government; however, there was no indication that UNITA maintained this system in the isolated pockets of territory it controlled at the end of the war, and reports indicated that strict martial law applied in those areas.

Unlike in previous years, there were no reports that the Government held political prisoners.

After the signing of the April ceasefire, there were no reports that UNITA held political detainees or prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution provides for privacy of home, correspondence, and business information; however, the Government infringed on citizens' privacy rights. The Government maintained a sophisticated security apparatus dedicated to the surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders, journalists, members of the National Assembly, and foreign diplomats. Legal requirements for search warrants routinely were disregarded.

Until the April ceasefire, there were reports that army units engaged in a scorched earth policy in the central and eastern parts of the country, burning villages, destroying crops, and terrorizing civilians (see Sections 1.a. and 1.g.). There were reports of similar tactics used against separatists in Cabinda. Government and UNITA forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (see Sections 1.g. and 5). There were no developments in the May 2001 case of four soldiers arrested in Namibia for threatening a woman.

During the final stages of the war, the IDP situation deteriorated as the Government forcibly moved large numbers of persons as part of its counterinsurgency operations against UNITA. With the end of hostilities and the high number of IDPs straining humanitarian relief efforts, there were reports that the Government forced IDPs out of camps and back to their places of origin before resettlement areas were declared free of mines and accessible to continued food deliveries or otherwise met standards adopted by the Government as preconditions to return (see Section 2.d.).

In June 2001, the Government evicted 5,500 families from their homes in the Boa Vista neighborhood in Luanda as a part of an urban renewal project; a number of persons were killed, injured, or arrested during the confrontation between police and residents. The forced relocation effectively denied them access to employment and services, including public transportation, in the capital (see Section 2.d.). At year's end, the Government had built only a fraction of the houses it promised, and the residents still were living in temporary shelters at an isolated camp outside of Luanda. Journalists were able to report on the camp.

To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives, particularly in rural areas, in which some minors may have been recruited. Under the law, military service is obligatory, but the pattern of the forced recruitment targeted poor communities and unemployed young men. Persons who could prove that they had jobs usually were released, and those with financial means could purchase an exemption from the armed forces. Unlike in the previous year, there were no reports that NGO workers were targeted for forced recruitment. The Government denied that forced recruiting took place.

Until the April ceasefire, UNITA looted and destroyed property to replenish their supplies of food and medicine and continued to conscript forcibly civilians, including children, for military duty (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The country's competing independence movements began a civil war immediately after independence in 1975,

which lasted until the signing of the Bicesse Accords in 1991. In 1992 UNITA, under the leadership of Jonas Savimbi, rejected the results of the presidential election and resumed the civil war. In an effort to end the civil war, the Government and UNITA signed the Lusaka Protocol in 1994. The agreement called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol; however, UNITA failed to comply with several fundamental aspects of the protocol. It maintained a significant military capability, and it refused to surrender the territory it held to state administration.

In 1998 fighting resumed between the Government and Jonas Savimbi's armed faction of UNITA. A splinter group called UNITA-Renovada and another, larger, peaceful faction of UNITA rejected war and pursued their respective agendas through peaceful political activity, including as members of the National Assembly. In 1999 the FAA destroyed the conventional military capacity of UNITA and consolidated its military control of most of the nation's territory; however, UNITA reorganized itself as a guerrilla force and continued to carry out deadly attacks on lightly defended targets until the February 22 death of Savimbi in a FAA attack in Moxico Province.

Within weeks of Savimbi's death, the remaining UNITA leadership began ceasefire negotiations in the eastern city of Luena with the Government. On April 4, the Government and UNITA signed the Luena agreement, which set a timeline for disarming and disbanding all UNITA military forces by the end of July. On August 2, UNITA's military force officially was disbanded, and all ex-UNITA personnel were incorporated into the FAA.

Military operations by both the Government and UNITA resulted in numerous human rights violations until the end of hostilities. The Government and UNITA used antipersonnel landmines to strengthen defensive positions and, in the case of UNITA, reportedly to prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.). Large areas were remined after the resumption of fighting in 1999, mostly by UNITA. Military attacks resulted in indiscriminate and summary killings, abductions, torture, destruction of property, and theft (see Sections 1.a., 1.b., and 1.c.). The provinces most affected were Lunda Norte, Lunda Sul, Malange, Bie, and Moxico, although UNITA also mounted raids near the coast during the last months of the war. The Government's failure to pay, feed, and equip many of its army and police personnel resulted in frequent extortion and theft. Government personnel confiscated food, including donated relief supplies, livestock, and personal property. The Government continued to use forced conscription until the ceasefire with UNITA (see Section 1.f.).

In the closing stages of the war, both the Government and UNITA used the control of civilian populations as part of their tactics. Government units engaged in a scorched earth policy, burning villages and killing civilians (see Section 1.a.). In part due to this policy, a large number of persons in rural areas were displaced, and agricultural production was diminished. UNITA tried to prevent the same populations from fleeing in order to retain authority over them. As a result, many civilians were trapped in extremely remote areas, inaccessible to humanitarian relief agencies and unable to grow their own food. After the end of the conflict, the U.N. conducted surveys of 28 previously inaccessible areas and found serious to severe malnutrition and high morbidity and mortality rates in most of them. Large-scale international humanitarian assistance was necessary to avert widespread famine.

The Luena Accord provided for the quartering and demobilization of UNITA's 84,000 soldiers and officers. Of that total, FAA and UNITA military commanders selected 5,007 for integration into active-duty FAA units in August. On October 20, the remaining ex-UNITA forces began returning to their areas of origin after the Government began closing the 35 quartering camps. Although the Government initially announced it would close the camps by October 15, it reversed that decision and allowed the camps to remain open until at least the end of the year. There were credible reports that one camp in Kwanza Sul province was burned and emptied by the FAA in late October. Conditions in many of the resettlement areas did not meet the Government's own standards for being clear of landmines, accessible to Government services, and near potable water. There were no confirmed reports of human rights violations against ex-UNITA troops in the 35 quartering areas.

Unlike in the previous year, there were no reports of FAA and police harassment of and attacks on humanitarian workers.

While estimates varied widely and there was a growing consensus that the exact number was lower than previously thought, at least 500,000 landmines were estimated in the country. The United Nations Development Program (UNDP) also estimated that there were 2 million unexploded munitions in the country. According to the Angolan National Institute for the Removal of Explosive Obstacles and Devices (INAROE), at least 42 persons were killed and 124 injured by landmines during the year. With large numbers of persons returning following the April ceasefire and mass migrations due to food insecurity, the number of affected persons was believed to be higher than the previous year. The Government and various international NGOs had ongoing landmine clearance operations.

The number of IDPs increased significantly over the previous year as the counterinsurgency campaign against UNITA intensified in the last months of the war, and military forces forcibly displaced citizens (see Section 2.d.).

There continued to be reports that government forces raped women (see Section 5).

With the cessation of hostilities with UNITA in April, the Government reportedly intensified its military operations against separatists in Cabinda. While reports of generalized human rights abuses by the FAA almost ceased in other parts of the country after the signing of the Luena Accord, reports of civilians killed in the fighting in Cabinda were increasing at year's end. There were reports that government forces shelled civilian villages during the year, and there were reports that government forces were employing similar counterinsurgency tactics against FLEC-FAC as they used against UNITA. A detailed report by the Ad-Hoc Commission on Human Rights in Cabinda released in December listed several dozen cases of human rights violations by government forces and a smaller number by separatist guerillas (See Sections 1.a., 1.b., 1.c., and 1.d.).

UNITA forces routinely violated citizen's rights in pursuit of military objectives. There were continued reports of deaths resulting from UNITA attacks on villages throughout the country and executions of suspected government supporters by UNITA forces until the April ceasefire (see Section 1.a.). UNITA carried out forced recruiting, including of children, in territories under its control until the end of the war. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years of age, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible (see Sections 5 and 6.c.). Unlike in the previous year, there were no reports that UNITA rebels targeted for killings and other abuses citizen NGO employees in the country. Unlike in previous years, after the April ceasefire there were no reports that UNITA rebels raided villages or kidnapped civilians. Reports of abuses by UNITA ceased after the April ceasefire.

The separatist group FLEC-FAC killed foreign nationals and tortured and killed civilians in the Cabinda region.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government at times restricted this right in practice. The Government continued to intimidate journalists into practicing self-censorship. There were reports that the Government paid journalists to publish progovernment stories. In previous years, the Government detained for up to several months or placed under investigation journalists who reported on sensitive issues, including military operations, government corruption, and UNITA, especially Jonas Savimbi. However, during the year, there was increasing private media attention to corruption, economic mismanagement, and opposition politics, and there were no reports that journalists were placed under investigation for such reporting. Nevertheless, there were reports that the Government limited access by independent journalists to certain events and interviews, and journalists acknowledged that they exercised self-censorship when reporting on highly sensitive matters.

Defamation against the President or his representatives is a criminal offense, punishable with imprisonment or fines. Truth was not a defense to defamation charges; the only allowable defense was to show that the accused did not produce the actual write the allegedly defamatory material. Criminal defamation charges were dropped against journalist Gilberto Neto, and he was free to travel outside the country.

In July the National Assembly passed the Law on State Secrecy, which provides the executive branch broad authority to classify public information and impose criminal penalties on individuals who publicize information that the Government views as damaging. The new law gave the Government authority to censor reports from international financial institutions or international press stories that criticized the Government or exposed official corruption. The Government also can prosecute international oil companies under the law for releasing data on their transactions with the parastatal oil company; however, the new law had not been used by year's end.

The majority of the media was state-run and carried very little criticism of the Government; however, the Government tolerated increasing criticism of its policies and actions in the independent media. Specific harassment of independent media diminished during the year in most of the country. There were seven private weekly publications with circulation in the low thousands. A committee composed of the Minister of Social Communication, the spokesman of the Presidency, and the directors of state-run media organizations controlled policy and censorship authority. The MPLA's Secretary General also influenced the content and tone of state-run media reporting. The Government used its control of the media to influence local and international public opinion,

particularly about UNITA.

The state press often criticized independent journalists and opposition leaders, but limited access for these journalists to respond. During the year, UNITA leadership and opposition party leaders complained they were denied the opportunity to respond to criticism and negative innuendo against them in the official media. In August the Government announced the formation of a committee consisting of both government and nongovernment representatives to revise the media law. The committee appointed by the President was expected to release a draft law for public comment in January 2003. In 2000 the Government suspended the earlier drafting process and withdrew a draft law submitted for public comment after widespread criticism of the text for not allowing expansion of political dialogue and for increasing the criminal penalties for defamation.

Provincial governments, particularly in Malange and Kwanza Norte, limited press freedom and harassed independent journalists during the year. Unlike in the previous year, local authorities did not prohibit independent journalists from traveling to the provinces.

The news ban on war coverage that was instituted in 1999 ended with the April ceasefire.

Unlike in the previous year, there were no reports that the Government discouraged potential advertisers from buying advertising space in independent newspapers. Unlike in the previous year, there were no reports that the Government harassed, arrested, or detained journalists on charges of slander, and crimes against the security of the State. Unlike in the previous year, there were no reports that government authorities threatened journalists or that police confiscated material from journalists.

There were no developments in the July 2001 case in which police confiscated Folha 8 journalist Gilberto Neto's reports without a warrant, or the July and November 2001 cases in which government authorities threatened journalists.

There were also five commercial radio stations including the Catholic Radio Ecclesia, and Radio Lac Luanda, which openly criticized aspects of government policies and highlighted poor socioeconomic conditions. Unlike in the previous year, there were no reports that radio stations suspended their programming reportedly because of government pressure. Also unlike in the previous year, there were no reports that journalists working for radio stations were attacked or kidnapped.

There were no developments in the February 2001 case in which VOA and Radio Ecclesia correspondent Isaias Soares was attacked by armed men, or the July 2000 case in which Radio Ecclesia director Paulo was kidnapped by individuals claiming to represent the Government.

The Government generally did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and Voice of America (VOA). Unlike in the previous year, there were no reports that the Government refused to allow direct retransmissions of their broadcasts. Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. With the end of the war in April, media requests to travel to areas previously not controlled by the Government were no longer denied. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society. Unlike in the previous year, there were no reports that the government authorities prevented foreign correspondents from reporting in any area of the country.

UNITA did not permit freedom of expression in the areas under its control until the end of the war.

The Government did not restrict academic freedom, and academics did not practice self-censorship. Academics frequently served as commentators for independent media and spoke at public forums in Luanda. Students were permitted to speak and read freely; however, the Government tightly controlled student and other protests or demonstrations (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The law requires a minimum of 3 days' prior notice before public or private assemblies are to be held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty" (see Section 2.d.). Applications for progovernment assemblies were granted routinely without delay; however, applications for protest assemblies rarely were granted.

In August local human rights organizations reported the illegal detention of three refugees from the DRC in the municipality of Ingombotas. According to independent media reports, the three refugees were held illegally for 1 week after they attempted to hold a public demonstration in front of the local U.N. High Commissioner for Refugees (UNHCR) office to protest their conditions.

On October 8, police forcibly dispersed students who were demonstrating in support of a strike by their professors at Agostino Neto University (see Section 6.b.), and arrested at least five students. On October 18, the strike was resolved, and no charges were brought against the five arrested students. The government-run daily, *Jornal de Angola*, criticized the police for their handling of the demonstration.

On November 28, police moved 30 Congolese refugees who had maintained a vigil outside the UNHCR's Luanda office for 5 months to a nearby refugee camp (see Section 2.d.).

Unlike in the previous year, there were no reports that opposition supporters were detained after holding demonstrations.

No action was taken, nor is any likely to be, against members of the police who in February 2000 beat protesters and used excessive force to disperse several demonstrations, including a demonstration in front of a church in Luanda.

The Constitution provides for the right of association; however, the Government restricted this right in practice. Legislation permits the Government to deny registration to private associations on security grounds. Although the Government approved most applications, including those for political parties, the Ministry of Justice continued to block the registration of the local human rights group Association of Justice, Peace, and Democracy (AJPD) by not taking action on its application originally filed in 2000. At year's end, AJPD was awaiting a Supreme Court decision on its suit against the Ministry of Justice for not processing the registration application. AJPD continued to function during the year (see Section 4). Independent labor activists reportedly also encountered difficulty with provincial government authorities in registering branch associations; however, vigils and demonstrations did take place (see Section 6.b.). The Government also arbitrarily restricted associations that it considered antigovernment, by refusing to grant licenses for organized activities and through other means, such as police or other official harassment. Opposition parties were permitted to organize and hold meetings during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

In January the Government confirmed that religious groups must register with the Ministry of Justice and the Ministry of Education and Culture. Colonial-era statutes banned all non-Christian religious groups from the country; while those statutes still exist, they no longer were enforced. Early in the year, the colonial-era law granting civil registration authority to the churches was reinstated. In October the provincial government in Cabinda banned 17 religious sects for not being registered, for endangering lives with the unauthorized practice of medicine on sect members, and for illegally setting up churches in residences. No additional information was available at year's end.

Members of the clergy regularly used their pulpits to criticize government policies. Church-based organizations, in particular the ecumenical Inter-Church Committee for Peace in Angola (COIEPA), were vocal in calling for peace and dialog between the Government and UNITA until the April ceasefire. Members of the Catholic clergy also were active in trying to facilitate talks between the Government and FLEC-FAC in Cabinda.

While in general UNITA permitted freedom of religion in the areas it controlled until the end of the war, persons who left UNITA-controlled areas prior to the ceasefire revealed that the clergy did not enjoy the right to criticize UNITA policies.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government did not respect these rights in practice. A network of government security checkpoints throughout the country interfered with the right to travel, and such checkpoints also served as a principal source of income for many of the country's security service personnel. Police routinely harassed refugees

at checkpoints. The Government routinely restricted access to areas of the country that were deemed insecure or beyond the administrative authority of the Government. Lack of security prevented persons from transporting goods until the April 4 ceasefire. Since April increasing stretches of previously inaccessible areas have been opened to transit. Poor infrastructure and landmines were the principal obstacles to free movement of persons throughout the country.

Extortion at checkpoints was routine in Luanda and pervasive on major commercial routes. In July the Bishop of Uige spoke out against ANP officers who systematically extorted residents at checkpoints on roads linking surrounding municipalities with the provincial capital.

Police forcibly moved poor residents from central neighborhoods in Luanda to outlying areas as part of urban revitalization programs (see Section 1.f.).

Unlike in the previous year, there were no reports that the MPLA attempted to restrict the ability of opposition deputies to travel within the country.

Unlike in the previous year, there were no reports that police or army members obstructed the movements of NGOs in the country.

Landmines were a major impediment to the freedom of movement. UNITA used landmines primarily on roads and trails to disrupt transportation and to control village populations. Government mining generally was confined to strategic positions around towns for defensive purposes. Estimates of the total number of landmines deployed throughout the country ranged into the millions. Fear of injury and death from landmines effectively imprisoned and impoverished entire communities. There were 42 recorded deaths due to landmine explosions during the year, and there were more than 80,000 persons who survived landmine explosions (see Sections 1.g. and 5).

Unlike in previous years, the Government did not prohibit journalists who were convicted of defamation from traveling outside of the country (see Section 2.a.). Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. After the April ceasefire, media requests to travel to areas previously not controlled by the Government were no longer denied.

The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from foreign businessmen.

The number of persons internally displaced by the conflict increased during the year, largely as a result of forcible resettlements. Family separations also increased markedly due to the sudden and disorganized displacements. These population movements combined with the disruption of agricultural work led to widespread food shortages in rural areas. The ceasefire allowed access to previously isolated areas suffering from famine. International humanitarian agencies significantly boosted emergency feeding operations to respond to the crisis.

The Ministry of Assistance and Social Re-Insertion (MINARS) reported that there were more than 4 million IDPs in the country at the peak of the humanitarian crisis, and in September the U.N. reported that there were 1,269,303 confirmed IDPs and 4,440,056 reported IDPs in the country. By year's end, the Government reported that at least 2.8 million people still were displaced. Many IDPs were returned refugees from neighboring countries who were reintegrated into the country from 1994 to 1998. The majority of registered IDPs were located in Bie, Huambo, and Malange provinces in the interior of the country. IDPs who arrived from UNITA-controlled areas displayed signs of abuse and severe malnutrition. MINARS has primary responsibility for IDPs and implemented housing and resettlement programs; however, these efforts remained inadequate. Conditions for IDPs continued to be difficult throughout the year. In August the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated that between 2 and 6 persons per 10,000 IDPs perished every day.

There were 120 IDP camps in the country, all of which were accessible to humanitarian agencies at year's end, although some were inaccessible prior to the April ceasefire with UNITA. International humanitarian agencies confirmed 1.5 million IDPs in need of humanitarian assistance and projected that the caseload would increase to 1.9 million by the end of the year. A total of 314,494 UNITA family members were included in the total that were registered for humanitarian assistance in the family reception areas established under the April 4 Luena Accord. IDPs continued to be harassed in camps; however, unlike in previous years, there were no reports that IDPs contributed labor or paid for building materials or water. There continued to be reports that police officers and soldiers harassed IDPs and denied them humanitarian assistance due to misappropriation by the authorities who were stealing supplies. IDPs were conscripted forcibly in both government- and UNITA-controlled areas until the end of the war (see Section 1.f.).

Unlike in the previous year, there were no reports that local leaders displaced populations suspected of UNITA sympathies into villages that were located in the path of oncoming attacks.

Following the April ceasefire, provincial governments began the relocation of IDPs. According to OCHA, as of December, approximately 1.1 million had returned home and approximately 10,000 persons left the IDP camps every day. In 2001 MINARS gave provincial governments primary responsibility for IDP resettlement and set forth guidelines to ensure the safe, voluntary resettlement of IDPs to areas cleared of mines and with access to water, arable land, markets, and state administration; however, by year's end, there were reports of forced relocations of IDPs to resettlement sites that did not meet the published standards. There also were credible reports of government efforts to force IDPs to leave camps and return home without respect to conditions at their places of origin or even to MINARS' own standards. In one case in October, the Government forcibly moved 18 families by FAA helicopter in Moxico and confiscated their possessions.

As of June, the U.N. estimated that there were 435,000 Angolan refugees in neighboring countries as a result of the conflict. The largest number of them sought refuge in the DRC, with smaller numbers fleeing to Namibia and Zambia. At year's end, Namibia's border was open, and goods and people moved freely. According to the UNHCR, more than 190,000 Angolan refugees were living in the DRC, some of whom began returning to the country during the year. Spontaneous returns began after the April ceasefire. The UNHCR estimated that more than 86,000 Angolan refugees returned spontaneously to the country by year's end.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR, and provided first asylum to refugees. An eligibility committee to evaluate asylum claims met regularly to evaluate asylum requests. According to UNHCR, the country had approximately 14,000 refugees, most of whom were from the DRC.

In June a group of refugees in the country began petitioning for better living conditions and more legal protections. The refugees complained that they were not given appropriate identity documentation. They also accused the Government of not keeping its promise to provide land and building materials after the refugees were moved by the Government in 2001. After they had camped in front of the UNHCR's Luanda office for 5 months, the police moved them to a nearby refugee camp in November.

There were reports of the illegal detention of refugees after they attempted to hold a demonstration (see Section 2.b.).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides all adult citizens with the right to choose the President of the Republic and deputies in the 220-seat National Assembly by secret ballot in direct multiparty elections; however, in practice citizens have no effective means to change their government. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law. After a 5-month suspension of debate, the Government and UNITA concluded an agreement in December resolving the impasse over what system of government would be adopted. Opposition political parties criticized the deal for not including their input. Despite its previously stated intentions to schedule elections during the year, the Government postponed elections until at least 2004 and some government officials have suggested 2005. Opposition parties complained of harassment and intimidation by the Government.

Under the April 4 Luena Accord, UNITA began the transition to a demilitarized opposition political party; however, it struggled to unify members who stayed in Luanda after the resumption of war in 1998 and UNITA-Renovada faction leaders with those leaders who fought with Savimbi until his death in February. The Government complicated reunification by continuing to recognize the tiny Renovada faction as the official UNITA party and providing it with material support, even though it represented only a small number of UNITA supporters. The Luena Accord provided for the conclusion of the final political tasks of the Lusaka Protocol, including the naming of UNITA officials to government ministries, provincial governorships, and ambassadorial posts.

The President is elected by an absolute majority. If no candidate wins such a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992

elections.

Ruling power was concentrated in the President and other members of the Council of Ministers, through which the President exercised executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, the President dismissed the Prime Minister during the MPLA Party Congress in 1998, assumed the position himself by decree, and held it for 4 years. In December the President named Interior Minister Fernando Dias dos Santos "Nando" the Prime Minister. Since its inception, the National Assembly has served as a rubber stamp for the Council of Ministers. While opposition deputies held approximately 43 percent of National Assembly seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. Laws passed during the year, such as the Law on State Secrecy and the Law on National Security, further strengthened executive authority and limited legislative oversight (see Section 2.a.).

Immediately after independence, the country's competing independence movements began a civil war, which lasted until the signing of the Bicesse Accords in 1991 that legalized opposition parties. The 1992 elections were the first multiparty democratic elections in the country's history; they were conducted with U.N. supervision and financial support. MPLA president Jose Eduardo Dos Santos won a plurality of votes cast (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi never was held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist.

The present Government was formed in 1997 after UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. In 1998 UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated, but the remaining positions were filled by members of a splinter UNITA group, UNITA-Renovada, which was recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him to be the leader of the largest opposition party and providing him with 5 official residences and a bodyguard contingent of 400 personnel. The National Assembly revoked Savimbi's status in 1998 for abrogating his duties under the Lusaka Protocol. In 1999 the Government declared Savimbi a war criminal and issued a warrant for his arrest. After almost 3 years of intense counterinsurgency operations by government forces, on February 22, Savimbi was killed in battle with FAA troops in Moxico. On April 4, the remaining UNITA forces in the field signed the Luena Accord with the Government, which provides for the demilitarization of UNITA and the resumption of the Lusaka peace process. Under the ceasefire agreement, the Joint Commission, composed of the Government and UNITA, with oversight provided by the U.N. and Troika nations (United States, Russia, and Portugal), was to resolve the remaining tasks outlined in the Lusaka Protocol, including a final determination to cancel the runoff presidential election. Between September and November the Joint Commission met several times and agreed on the completion of the Lusaka and Luena provisions.

Opposition parties complained of harassment and intimidation by the Government. There were reports of localized harassment of individuals who were not members of the ruling party, particularly after increased UNITA military activity; these reports ceased after April. Unlike in previous years, there were no reports that members of the MPLA beat or detained UNITA-Renovada members. In the transition of official recognition from UNITA-Renovada to UNITA after the April ceasefire, there were reports that UNITA-Renovada offices were vandalized by UNITA supporters as part of intra-UNITA factional strife.

There were no legal barriers to the participation of women in the political process; however, women were underrepresented in government and politics (see Section 5). There were 35 women in the 220-seat National Assembly, and there were 10 women in the 83-member Cabinet, including 3 ministers.

Section 4 Governmental Attitudes Regarding International And Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not prohibit independent investigations of its human rights abuses; however, it failed to cooperate and often used security conditions as an excuse to deny access to affected areas.

There were more than 100 international and approximately 34 domestic NGOs operating in the country. Local NGOs actively promoted human rights during the year by documenting and exposing prison conditions and providing free legal counsel. In December a new organization called the Ad-Hoc Commission on Human Rights in

Cabinda, which emerged from the civil society umbrella organization Coalition for Reconciliation, Transparency and Citizenship (RTC), released its first report detailing human rights violations in Cabinda (see Section 1.g.). While some expanded political freedom enabled some local NGOs to investigate previously sensitive issues, the Government continued to be suspicious of local NGOs receiving international support. During the year, the Ministry of Justice blocked the registration of the AJPD by continuing not to respond to its application (see Section 2.b.). The AJPD continued to await responses from the Supreme Court and the Ministry of Interior's Director of Prison Services on longstanding requests for the list of active judges and the number of prisoners in the justice system, respectively.

Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human Rights Division. Human Rights Watch (HRW) visited the country during the year and joined with AJPD to release a report on the protection of human rights of the country's IDPs. The Government consistently criticized HRW's statements about the country.

Unlike in the previous year, there were no reports that FAA, police, or UNITA forces harassed NGO workers during the year.

Human rights organizations had increased access to the country following the April ceasefire. During the year, U.N. humanitarian activities increased operations significantly in response to an acute food security and IDP crisis (see Sections 1.g. and 2.d.). Also, a new UNMA was established to oversee the peace process and the final implementation of the Lusaka Protocol as set forth in the April 4 Luena Accord (see Section 3).

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

Under the Constitution, all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, ideology, degree of education, or economic or social condition. The Government did not have the ability to enforce these provisions effectively.

Women

Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family dealt, in part, with violence against women. The Government continued its project to reduce violence against women and improve the status of women. Domestic violence was prosecuted under rape and assault and battery laws. Rape is defined as a forced sexual encounter and is punishable by up to 8 years in prison; the law treats sex with a minor under the age of 12 as nonconsensual. However, an inadequate judicial system obstructed investigation and prosecution of such cases.

In July HRW and AJPD accused government forces of raping women and practicing sexual slavery in areas of counterinsurgency operations. The December report by the Ad-Hoc Commission on Human Rights in Cabinda alleged that government forces raped several women and girls. UNITA also was accused of rape and abducting women as porters and sexual slaves; however, there were no such reports after the April ceasefire (see Sections 1.g. and 6.c.).

Sexual harassment was a problem, which was publicized in the official media. There is no specific legal provision regarding sexual harassment; however, such cases could be prosecuted under assault and battery and defamation statutes.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition, a portion of the Civil Code dated to colonial times and included discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution. The law provides for equal pay for equal work; however, in practice women rarely were compensated equally with men. Some women held senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly were relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of persons with disabilities, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas. Under the law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically was entitled to 50 percent of the estate with the remainder divided equally

among legitimate children.

A series of national conferences on women's rights continued during the year, partially funded by foreign donors, and produced calls for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

Children

Approximately 50 percent of the population was believed to be under the age of 15; however, the Government continued to give little attention to children's rights and welfare. The Ministry of Education barely functioned due to a lack of resources and corrupt administration. Private religious, community, or corporate groups have been unable to fill this vacuum.

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses. Although primary education was compulsory, there were not enough schools, and many children had to work to support their families. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. During the year, teachers engaged in strikes in Benguela, Huila, and Namibe provinces. The enrollment rate of school-age children was 40 percent; however, while 55 percent of children 5 to 14 years of age were in school, only 30 percent of children remained in school after grade 5. There was a significant gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school, with no prospect of integrating them into the education system. Most of the educational infrastructure was damaged and lacked basic equipment and teaching materials. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

The Government has not brought any significant numbers of children into the armed forces since the 1996-97 demobilization campaign; however, some children reportedly continued to be recruited as a result of the absence of civil registration and the inability to prove dates of birth. There continued to be reports of forced recruitment of children in the provinces until the April ceasefire. There were credible reports that UNITA often forcibly recruited children as young as 10 years of age into its armed forces.

Children often were victims in the civil war. Local NGOs estimate that 100,000 children were abandoned or orphaned as a result of the war, and malnutrition was a problem. During the year, MINARS trained 1,070 child protection monitors who assisted 43,000 children that were separated from their families. Government and UNITA forces killed, kidnaped, and injured children during attacks until the end of the war (see Sections 1.a., 1.b., and 1.c.). Landmine explosions killed and injured children at an increasing rate. According to INAROOE, out of a total of 660 landmine accidents in 2001, 105 involved children under the age of 18.

There were approximately 5,000 street children in Luanda; some were orphans or abandoned, while others ran away from their families or from government facilities that were unable to support them. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets. Street children shined shoes, washed cars, and carried water, but many resorted to petty crime, begging, and prostitution in order to survive. The government-sponsored National Institute for Children was established to enforce child protection, but it lacked the capacity to work effectively with international NGOs. The Institute reported that in a sample from Catchiungo, the number of street children assisted by the Institute doubled from 7,890 in 2000 to 14,000 in 2001 and that more than 90 percent of these children suffered from malnutrition. The Government publicized the problems of street and homeless children during the year.

There were reports of trafficking in children and child prostitution (see Section 6.f.).

There were no active domestic private children's rights advocacy groups; however, several international organizations promoted children's rights in the country.

Persons with Disabilities

The number of persons with physical disabilities included more than 80,000 disabled landmine survivors. While there was no institutional discrimination against persons with disabilities, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for persons with disabilities in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it was difficult for persons with disabilities to find employment or participate in the education system.

Indigenous People

The population included 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes scattered through the provinces of Namibe, Cunene, and Cuando Cubango. There was no evidence that they suffer from official discrimination or harassment, but they did not participate actively in the political or economic life of the country, and they had no ability to influence government decisions concerning their interests.

There continued to be lack of adequate protections of the property rights of traditional pastoral indigenous communities. In July the Government published a draft land tenure law for public comment that it claimed would increase protection of indigenous community land ownership. In response to requests from civil society groups for more time to review the legislation, the Government extended the public comment period until November. The legislation was pending at year's end. During the year, as part of a Government project, with assistance from the U.N. Food and Agriculture Organization, 10 leases of 45-year duration were given to pastoral communities in Bengo and Huila provinces.

National/Racial/Ethnic Minorities

Years of war and internal dislocation have produced substantial integration of ethnic and linguistic groups, particularly in the coastal areas, where as much as half of the population resided. The largest ethno-linguistic group, approximately 40 percent of the country's population, is Ovimbundu, whose traditional region includes much of the south-central part of the country. Although the Ovimbundu formed the base for UNITA, there was little evidence of systematic discrimination against them by the Government or other groups. Other important ethno-linguistic groups include the Bakongo in the north; Kimbundu in the north-central area; and Chokwe in the extreme eastern part of the country. The coastal population centered in Luanda and, to a lesser extent, Benguela-Lobito, predominantly speaks Portuguese as a first language. The Portuguese-speaking group included a large minority of "Mestizos" of mixed European and African ancestry and a small, white, predominantly Portuguese-descended population. In addition, approximately 30,000 Portuguese citizens lived in the country, forming the bulk of the nonrefugee expatriate community.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government did not respect these rights consistently in practice. The Government dominated the National Union of Angolan Workers (UNTA), which was the labor movement affiliated with the ruling MPLA party; however, there were two independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA) and the small Independent Union of Maritime and Related Workers (SIMA). There continued to be division and legal suits between member unions of CGSILA over accusations of administrative malfeasance. There was no further information regarding members of CGSILA being fired for recruiting members of UNTA to join the union. CGSILA had a membership of approximately 50,000 members, and UNTA claimed to have more than 400,000 members. The law requires that the Government recognize labor unions. Nevertheless, SIMA encountered difficulty with provincial government authorities in registering branch associations and organizing dock and rig workers (see Section 2.b.). Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers was the 60 percent formal sector unemployment rate.

Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of antiunion discrimination were required to reinstate workers who have been fired for union activities. In practice the judicial system was not capable of defending or prepared to enforce these rights.

Unions have the right to affiliate internationally. CGSILA cooperated with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and participated in the International Labor Organization (ILO). Individual trade unions maintained relations with counterpart unions in other countries.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and for collective bargaining; however, the Government did not respect those rights in practice. The Government did not facilitate a positive environment for constructive labor management negotiations. The Government dominated the economy through state-run enterprises. The Ministry of

Public Administration, Employment, and Social Security set wages and benefits on a semi-annual basis (see Section 6.e.).

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for strikes, and strictly regulates them. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The law does not prohibit effectively employer retribution against strikers. The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes. Small strikes over wages took place, mainly in the construction sector, during the year. Teachers also engaged in strikes during the year (see Section 5).

In July 2001, 190 employees of the oil services company WAPO-Angola went on strike demanding better wages. Management refused to negotiate and fired the workers. In September 2001, the workers sued the company, and in July a judgement in favor of the workers was announced. The court instructed WAPO to reinstate the workers and pay all salaries in arrears for the period of time the case was in court. WAPO claimed that it would face financial ruin and refused to pay or reinstate the workers. After 30 days, the workers asked the court to liquidate the company if they were not reinstated. In September WAPO agreed to pay and reinstate the striking workers, and the workers were paid and reinstated in October.

SIMA continued an organized protest that began in October 2000. The employing company, Angonave, subsequently was declared bankrupt and put in receivership under court supervision. SIMA members continued to maintain a vigil at the facility to demand severance compensation. No such compensation was provided by year's end. Participants in the vigil reportedly were subject to government harassment.

In October the university professors' union, a member union of CGSILA, staged a strike at Agostino Neto University over salaries. The Ministry of Education and university administration reached agreement with the professors' union after 2 weeks (see Section 2.b.).

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, the Government was unable to enforce these provisions effectively. In addition, the law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and it has been cited by the ILO as an example of forced labor in violation of ILO conventions. There were reports that the FAA forcibly conscripted persons until the end of the civil war with UNITA in April. There also were independent media reports of a prison director in Huambo using prisoners as laborers in his house.

UNITA forces regularly abducted children for military service and other forms of forced labor (see Sections 1.b., 1.f., and 5). UNITA depended on forced labor for much of its logistical support. Refugees and IDPs reported that rural women frequently were forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There were reports that UNITA troops sexually assaulted these women; however, there were no such reports after the April ceasefire.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children under 16 years of age are prohibited from factory work; however, these provisions generally were not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security was responsible for enforcing labor laws. Although child labor law enforcement was under the jurisdiction of the courts, in practice, the court system did not provide adequate protection for children. Child labor violations were punishable with fines and restitution. There was no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons could file claims for violations of child labor laws. The Ministry maintained employment centers where prospective employees registered, and the center screened out applicants under the age of 14; however, many younger children worked on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture was common. Children under 12 years of age worked for no reimbursement for their families and in apprenticeships. Poverty and social upheavals brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector.

Children were abducted by UNITA forces for forced labor during the war (see Section 6.c.).

e. Acceptable Conditions of Work

In December the minimum wage was set by the Ministry of Public Administration, Employment, and Social Security at the equivalent of \$50 (3,000 Kwanza) per month to be adjusted for inflation every 6 months. This standard existed previously; however, the Government did not enforce it. Many urban workers earned less than \$20 (1,200 Kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated at \$40 to \$150 (2400 to 9000 Kwanza) per month, were sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government reformed the national system of setting the minimum wage by pegging it to inflation and adjusted the rate quarterly during the year. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.

A 1994 government decree established a 37-hour workweek; however, the Ministry of Public Administration was unable to enforce this standard, just as it was unable to enforce existing occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

Foreign workers (legal or illegal) were not protected under the labor law. They received legal protection if they worked under contract, otherwise they received protection only against criminal acts.

f. Trafficking in Persons

The Constitution prohibits human bondage; however, no laws exist to combat trafficking in persons, and there were reports of trafficking.

An international NGO that worked with street children estimated in 2001 that there were 500 to 1,000 underage prostitutes in Luanda. There are no laws that specifically prohibit child prostitution; however, child prostitution is prohibited by a general criminal statute. The age of sexual consent is 12 years, and sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 17 can be considered sexual abuse. All pornography is prohibited statutorily. The Ministry of Family and Women's Affairs enforced and oversaw special family courts, and the National Institute for Assistance to Children had daily responsibility for children's affairs. The Ministry of Justice continued its campaign to register children and provide them with identity papers and protect them against potential trafficking. In November the Ministry of Justice announced that more than 1.5 million children had been registered since August 2001—one half of the initial goal. In December there were international reports that Angolan children residing in Portugal were trafficked to the United Kingdom for exploitation. There were unconfirmed local reports that some of the children involved actually were trafficked from Angola.

Until the end of hostilities in April, there continued to be allegations that UNITA abducted persons, including children, for forced labor, and abducted women for use as sex slaves. There were reports that the Government forcibly recruited persons for military service (see Section 1.f.). There also were credible reports that UNITA forcibly recruited children into its military (see Section 5).